

*Review by [signature]  
4/10/12*

# Wetlands Bureau Decision Report

Decisions Taken  
04/02/2012 to 04/08/2012

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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### 2008-02312 PUBLIC SERVICE OF NH BOW Unnamed Wetland

#### Requested Action:

Proposal to reconfigure and relocate a portion of the previously approved flood plain and wetland restoration area to retain a concrete pad previously constructed for a portion of a temporary equipment building.

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#### Conservation Commission/Staff Comments:

The project is proposing an in-lieu fee payment of \$ 78,157.28, into the Merrimack River Watershed Account.

Inspection Date: 02/23/2012 by William A Thomas, Cws

#### APPROVE AMENDMENT:

Dredge and fill 29,540 square feet of wetlands for the installation of new air quality structures, contractor parking, limestone conveyor system, and roadway improvements further described as follows: Temporarily impact 2250 square feet of palustrine forested wetlands, including 1,314 cubic yards of 100-year flood plain for a chimney fabrication area, impact 385 square feet of bank of the Merrimack River to support the overhead limestone conveyor system and ductwork, and permanently impact 26,905 square feet of scrub shrub wetlands for contractor parking and roadway improvements.

#### With Conditions:

1. All work shall be in accordance with plans by TF Moran sheets 17, 20, 21, 49, 51, 75, of 83 dated June 12, 2008, and revised through October 22, 2008, as received by the Department on October 27, 2008 and sheets 14, 27 and 52, of 83 dated June 12, 2008 and revised through December 11, 2008, as received by the Department on December 12, 2008 and Wetland Impact Addendum Plan dated May 18, 2009 as revised through May 27, 2009 as received by the Department on June 2, 2009 and as amended by plans dated February 23, 2012 as received by the Department on February 27, 2012.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. Removal of trees or saplings within 50 feet of the reference line must comply with RSA 483-B:9V(a).
5. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
6. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
7. Work shall be done during low flow.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. The applicant is to restore 35,485 square feet (1,314 cubic yards) of the 100-year flood plain impacted as part of this project by the expiration date of the wetland permit.
12. Area of temporary impact shall be regraded to original contours following completion of work, and all materials shall be removed from jurisdiction and from the 100-year flood plain.
13. All material removed during work activities shall be placed out of DES's jurisdiction.
14. Mulch within the restoration of the temporary impact area that is also within wetlands shall be straw.
15. Seed mix within the restoration area shall be a seed mix appropriate to the area and shall be applied in accordance with

manufacturers specifications.

16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. Silt fencing must be removed once the area is stabilized.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
21. This approval is contingent on receipt by DES of a one time payment of \$ 78,157.28, to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
22. The applicant shall provide a report to NH DES Wetlands including those areas identified for potential New England Cottontail Habitat enhancement. This report shall include the, locations, and status of the enhancements proposed.
23. The applicant shall provide receipts or alternate evidence, by January 1, of the next 5-years that they have contributed to the 5-year program designed to identify, manage and foster potential habitat for the New England Cottontail within existing PSNH Right-of-Ways.
24. This permit is contingent upon the execution of a conservation easement on 10.3 acres as depicted on plans by TF Moran dated September 15, 2008, as received by the Department on October 22, 2008.
25. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
26. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction within wetland jurisdiction.
27. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
28. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes], by February 1, 2009.
29. There shall be no removal of the existing vegetative undergrowth within the easement area, except as overseen by the NH Fish and Game Department for the enhancement or management of habitat for New England Cottontail.
30. The placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited within the easement area.
31. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
32. The applicant shall install permanent signs every 50 feet establishing the 100 foot no-cut buffer from the existing vernal pool on the site.
33. A post-construction report documenting the status of the restored temporary impact area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

#### With Findings:

The Department reaffirms findings 1-16 of the original approval with additional findings.

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c); Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The proposed scrubber has been mandated to be installed by the NH Legislature per HB 1673.
3. The size and weight of the sections of the chimney require the fabrication area in close proximity to the installation location.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The security requirements of the plan and the safety of employees limits the location of the parking areas.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
7. DES Staff conducted a field inspections of the proposed project on May 22, 2008 and October 6, 2008. Field inspection observed the wetlands to be impacted by the chimney fabrication area are within the 100-year flood plain, the wetlands proposed to be impacted as part of the contractor parking area are scrub shrub and part of a larger wetland complex. The greatest area of impact is alongside the existing roadway and has been disturbed in the past.
8. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the resources, as identified under RSA 482-A:1.
9. The applicant has conserved through a conservation easement 10.3 acres, to be held by the Town of Bow.
10. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
11. The payment calculated for the proposed wetland loss equals \$78,157.28.
12. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
13. The payment into the ARM fund shall be deposited in the DES fund for the Merrimack River watershed per RSA 482-A:29.
14. The applicant received an approval of the request for vested rights under the Comprehensive Shoreland Protection Act on October 22, 2008.
15. The applicant received an approval, WPS-8261, from the Alteration of Terrain Program on November 13, 2008.
16. The placement of the new units is dependant upon the locations of the existing units and facilities and therefore it was impossible to avoid these impacts.

The Department makes the following additional findings.

17. The revised changes will not require any additional impacts to wetlands and will maintain the previously approved wetland restoration within the same location but will move a portion of the required flood storage area to an alternative onsite location.
18. The applicant investigated and presented alternative locations.
19. The department inspected the chosen location on February 23, 2012.
20. The new flood plain creation area is currently consists of a grass clearing with minimal trees and shrubs. The area will receive minimal grading and filling to create the new flood storage and when completed should be similar to the existing conditions.
21. There are no proposed impacts to the adjacent river bank or wetlands for the new flood plain area.
22. The New Hampshire Fish and Game Department, Nongame and Endangered Species Program commented that they do not expect impacts to the State threatened bald eagle.

2011-02858

CITY OF ROCHESTER

ROCHESTER

Requested Action:

Dredge and fill a total of 3.15 acres (137,225 square feet) of wetlands for construction of a manufacturing facility, including:  
a)temporary impacts of 11,806 square feet, installation of a 24" culvert in wetlands, and installation of 36" culvert in a stream, to build a construction access road at wetland areas C, D, and F; 657 square feet for grade change associated with wetland construction at Wetland N; and b)permanent impacts of 24,155 square feet over three locations for construction of the facility access road including road base filling, road shoulder construction, and construction of a bridge and associated abutments and retaining/wing walls at wetland areas A,B, and E; 10,487 square feet over three locations for construction of truck access road and associated installation of a 4'x 2'x 60' open bottom or embedded culvert at wetland areas H, I, and M; and 90,120 square feet for lot development over three areas for construction of parking lot and building footprint at wetland areas J, K, and L.

Approve as Compensatory Mitigation preservation of a total of approximately 74 acres at two parcels, with Conservation Easements to be held by the Strafford Rivers Conservancy, including 58 to 74 acres of land known as the "Henderson" parcel, and 16.6 acres of land known as the "Copper Lane Road" parcel.

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**APPROVE PERMIT:**

Dredge and fill a total of 3.15 acres (137,225 square feet) of wetlands for construction of a manufacturing facility, including: a) temporary impacts of 11,806 square feet, installation of a 24" culvert in wetlands, and installation of 36" culvert in a stream, to build a construction access road at wetland areas C, D, and F; 657 square feet for grade change associated with wetland construction at Wetland N; and b) permanent impacts of 24,155 square feet over three locations for construction of the facility access road including road base filling, road shoulder construction, and construction of a bridge and associated abutments and retaining/wing walls at wetland areas A, B, and E; 10,487 square feet over three locations for construction of truck access road and associated installation of a 4'x 2'x 60' open bottom or embedded culvert at wetland areas H, I, and M; and 90,120 square feet for lot development over three areas for construction of parking lot and building footprint at wetland areas J, K, and L.

Approve as Compensatory Mitigation preservation of a total of approximately 74 acres at two parcels, with Conservation Easements to be held by the Strafford Rivers Conservancy, including 58 to 74 acres of land known as the "Henderson" parcel, and 16.6 acres of land known as the "Copper Lane Road" parcel.

**With Conditions:**

1. All work shall be in accordance with plans by Hoyle Tanner Associates entitled "City of Rochester Granite State Business Park Access Road Wetland Impact Plan" dated October 2011, revised March 2012, as received by DES on 4/2/12; and in accordance with revised plans by Norway Plains Engineers entitled "Overall Phase I & II Wetland Impact Plan, Sheet W-100" dated 4/4/2012 and "Phase II Wetland Impact Plan, Sheet W-101" dated 3/26/2012, as received by the DES on 4/5/2012.
2. The 3-acre threshold of direct wetland impact shall not be exceeded at any one time during the construction of the project. To accomplish this, no work shall proceed at wetland impact areas H, I, or M, until temporary impacts at wetland impact areas C, D, and F, are restored to the satisfaction of DES and the Army Corps of Engineers. A compliance inspection with the permittee, DES, and the Army Corps of Engineers shall occur to confirm that such restoration has taken place. If the permittee exceeds the 3 acre threshold for direct impacts at one time, all work shall immediately cease, and the permittee shall be required to apply for an Individual Permit from the Army Corps of Engineers.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with DES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. This permit is contingent upon the successful creation of Wetland Creation Area 1 and Wetland Creation Area 2, and the installation of two 4' x 2' x 60' open bottom or embedded box culverts under the truck access driveway to connect the two creation areas. Creation of these areas shall coincide with the project construction site work.
7. A planting plan and monitoring plan for the creation areas shall be generated by a certified wetland scientist and submitted to DES and the Army Corps of Engineers for review and approval prior to the permanent planting of the area. (Temporary planting associated with stabilization is allowed under separate permit conditions.) The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the wetland construction areas are constructed in accordance with the construction and planting plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. DES shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
8. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
9. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the wetland creation areas are constructed in accordance with the plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of

work and if there is a change of status during the project.

10. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the wetland creation areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each creation site.

11. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

12. The permittee shall delineate the wetlands within the wetland creation sites, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.

13. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation sites. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

14. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the wetland creation areas during construction and during the early stages of vegetative establishment.

15. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

16. Temporary wetland impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to DES and the Army Corps of Engineers. A post-construction report documenting the status of the restoration of the temporary impacts with photographs shall be submitted to DES within 60 days of the completion of areas.

17. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

18. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

19. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

20. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

23. Silt fencing must be removed once the area is stabilized.

24. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

25. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

26. Faulty equipment shall be repaired prior to entering jurisdictional areas.

27. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

28. All refueling of equipment shall occur outside of surface waters or wetlands.

29. Dredged material, other than that to be used for wetland creation, shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

#### Wetland preservation:

1. This permit is contingent upon the execution of a conservation easement on 16.6 acres of land at the Copper Lane parcel as depicted on plans received by DES on March 16, 2012 and the Henderson parcel of approximately 58 acres as depicted on plans received by DES on March .20, 2012.

2. Following permit issuance and prior to recording of the conservation easement deed, the natural resources existing on the conservation easement parcels shall not be removed, disturbed, or altered without prior written approval of DES and the easement holder.

3. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
4. The plan noting the conservation easements with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
5. The recordation of the plan and easement deed for the Copper Lane parcel shall be completed within 90 days of the permit issuance. 6. The recordation of the plan and easement deed for the Henderson parcel shall be completed within 150 days of the permit issuance.
7. The applicant shall provide a stewardship donation to the grantor for both parcels which shall be approved by DES and provided at the closing of each conservation easement.
8. The applicant shall provide payment to the NHDES Aquatic Resource Mitigation ("ARM") Fund for impacts associated with the project if the Copper Lane and Henderson conservation easements are not completed according to the time frames noted above. The ARM Fund payment for the total project is \$520,634.82.
9. The applicant shall provide NHDES monthly updates relative to the status of completion of the conservation easement components until the easements are finalized and recorded.
10. The applicant shall prepare a report summarizing existing conditions within the conservation areas. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee to serve as a baseline for future monitoring of the easement areas. The reports for each preservation parcel shall be submitted within 30 days of permit issuance.
11. The conservation easement areas shall be surveyed by a licensed surveyor, and marked by monuments [stakes] following recordation of the easement deeds.
12. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location.
13. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
14. Activities in contravention of the conservation easements shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of DES (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The project purpose is to construct a new manufacturing facility in an existing industrial park, access to which requires crossing wetlands and a stream; also the size and necessary orientation of the facility results in impacting certain wetlands on the site.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03 to achieve the project purpose. The applicant has reduced wetland fill impacts at the bridge crossing by installing extensive retaining walls to limit slope extension into the wetland; wetlands to be impacted as a result of construction of the parking lot will be relocated contiguous with existing wetlands in the immediate vicinity; connectivity among the wetlands at the northerly limit of the project will be maintained by placement of open bottom or embedded box culverts under the driveway to maintain hydrology and aquatic species passage.
4. Unavoidable impacts are further offset by the applicant's compensatory mitigation package, pursuant to Env-Wt 302.03(b), which includes preservation of two parcels for a total of 74 acres, compensating for 2.87 acres of permanent impact, which meets the required DES mitigation ratio of 10:1 pursuant to Env-Wt 803.05, and the required federal mitigation ratio of 15:1.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
6. DES Staff conducted a field inspection of the proposed project on January 26, 2012 and April 4, 2012. Field inspection included review of the on-site wetland impacts and the two mitigation parcels that will be protected through conservation easements.
7. The Rochester Conservation Commission recommends approval of this project.
8. This project has received an extensive inter-agency coordinated review between the state and federal levels.
9. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as impacts to the resources

will be mitigated through a significant mitigation package. Additionally, there have been no requests for a public hearing and the Conservation Commission has recommended approval.

10. The applicant has worked out an agreement with the Strafford Rivers Conservancy for the protection of the Henderson parcel and a field inspection was conducted of the Copper Lane Road parcel. Both preservation areas consist of valuable wetland areas adequately buffered by upland habitat. A state endangered species, the Blanding's turtle was found on the Henderson parcel which exemplifies the important habitat qualities of the site.

11. In the event that the conservation easements are not executed in a timely fashion, compensatory mitigation will be achieved through a payment to the DES Aquatic Resource Mitigation Fund.

**2011-03226                      WHELEN ENGINEERING INC**  
**CHARLESTOWN   Unnamed Wetland**

**Requested Action:**

Dredge and fill approximately 112,585 square feet of palustrine forested and emergent wetlands and a man-made pond for construction of a manufacturing facility expansion. Mitigation includes preservation of approximately 99.43 acres of uplands (Charlestown Tax Map 233, Lots 54 and 55).

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**APPROVE PERMIT:**

Dredge and fill approximately 112,585 square feet of palustrine forested and emergent wetlands and a man-made pond for construction of a manufacturing facility expansion. Mitigation includes preservation of approximately 99.43 acres of uplands (Charlestown Tax Map 233, Lots 54 and 55).

**With Conditions:**

1. All work shall be in accordance with plans by Landmark Land Surveying & Permitting, dated December, 2011, as received by the Department on December 28, 2011
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. The applicant shall notify DES in writing of their intention to commence construction no less than 5 business days prior to construction. The estimated length of construction time shall be provided in this notification.
4. The applicant shall notify DES in writing of the completion of construction no less than 10 business days after completion.
5. This permit is conditioned that invasive species shall be properly disposed of.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culverts shall be laid at original grade.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. Silt fencing must be removed once the area is stabilized.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each



operator shall be trained in its use.

19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Excavated material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
21. All temporarily stockpiled material shall be placed out any area that is within the jurisdiction of the DES Wetlands Bureau.
22. The applicant shall provide post-construction photographs of all approved construction referenced in this permit within 60 days of the completion of construction.

Wetland preservation:

23. This permit is contingent upon the execution of a conservation easement on approximately 99.43 acres as depicted on plans dated March 14, 2012, as received by DES on March 15, 2012.
24. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
25. Following permit issuance and prior to recording of the conservation easement deed, the natural resources existing on the conservation easement parcel shall not be removed, disturbed, or altered without prior written approval of DES and the easement holder.
26. Following permit issuance, the portion of trail located in and near wetland resources in the north eastern corner of the parcel shall be discontinued and allowed to restore to natural wetland conditions.
27. Motorized and non-motorized vehicles may use the exiting trails and no additional trail construction may occur unless specifically authorized by the easement holder and DES.
28. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
29. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
30. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
31. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
32. There shall be no removal of the existing vegetative undergrowth within the wetlands of the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
33. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of DES (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. In meeting minutes dated December 05, 2011, the Charlestown Conservation Commission recommended that for the impacted land, " 1) Identify any endangered species and move to a suitable site. 2) Identify any invasive species and process and dispose of on site, using best management practices." There were no comments regarding the mitigation parcel, but a copy of the final easement was requested.
3. This permit is conditioned that invasive species shall be properly disposed of.
4. The submitted Natural Heritage Bureau (NHB11-2418) report stated, "It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project."
5. DES Staff conducted a field inspection of the proposed project on July 27, 2011, February 22, 2012 and March 26, 2012.
6. In correspondence dated February 15, 2012, the New Hampshire State Programmatic General Permit (NHSPGP) federal review of the application commented that finalization of the mitigation package was underway.
7. The original mitigation proposal, which included approximately 63.43 acres, was increased to approximately 99.43 acres.
8. The wetlands compensatory mitigation plan provided by the applicant includes off-site preservation of 99.43 acres (Charlestown Tax Map 233, Lots 54 and 55).
9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

10. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
12. Comments of concern were not submitted to the file.
13. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.

## MINOR IMPACT PROJECT

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**2009-00787                      BERTHA, SANDRA**  
**TUFTONBORO   Lake Winnepesaukee**

### Requested Action:

Construct a 6 ft x 63 ft dogleg-shaped, piling supported docking structure, with 9 tie off piles and two 14 ft x 30 ft seasonal canopies and one 13 ft 6 in x 30 ft seasonal canopy providing 3 slips on an average of 210 feet of shoreline frontage on Lake Winnepesaukee, in Tuftonboro.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

The Con Com defers the application to the Department

### APPROVE PERMIT:

Construct a 6 ft x 63 ft dogleg-shaped, piling supported docking structure, with 9 tie off piles and two 14 ft x 30 ft seasonal canopies and one 13 ft 6 in x 30 ft seasonal canopy providing 3 slips on an average of 210 feet of shoreline frontage on Lake Winnepesaukee, in Tuftonboro.

### With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey and Engineering as revised February 22, 2012, and received by the NH Department of Environmental Services (DES) on March 06, 2012.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. This permit does not allow for maintenance dredging.
6. The dock shall not extend more than 30 ft lakeward of the shoreline at the full lake elevation of 504.32.
7. The minimum clear spacing between piles shall be 12 feet except as noted on the approved plan.
8. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
9. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(c), construction of a dock that exceeds the criteria for minimum impact docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES approves the waiver request of pile spacing in accordance with Rule Env-Wt 204.04.
6. The applicant has an average of 210 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

## MINIMUM IMPACT PROJECT

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**2012-00324                      JAL WINNISQUAM DEVELOPMENT LLC**  
**TILTON   Winnisquam Lake**

### Requested Action:

Proposal to dredge and fill 880 sq. ft. of emergent wetlands and lake bank to complete construction of an access road and dry hydrant for a previously approved 86 unit cluster condominium project.

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### APPROVE PERMIT:

Dredge and fill 708 sq. ft. of emergent wetlands and lake bank to complete construction of an access road and dry hydrant for a previously approved 86 unit cluster condominium project.

### With Conditions:

1. All work shall be in accordance with plan sheet 1 of 23 by Holden Engineering and Surveying, Inc., revision date of September 13, 2005, as received by the Department of Environmental Services (DES) on February 13, 2012 and Wetland Impact Plan by Beaver Brook Environmental Consultants, LLC, dated February 1, 2012, as received by DES on March 13, 2012.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. This permit is contingent on approval by the New Hampshire Department of Transportation for the proposed driveway access work within their right-of-way/property.
4. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
8. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.
9. Work shall be done during low flow.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m) Projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02 and minimum impact project per Administrative Rule Env-Wt (f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The previous Wetlands Bureau permit File #2003-02106 for 7,206 square feet of palustrine forested wetland impacts expired before the remaining 880 square feet (reduced to 708 square feet) of wetland impact for access and a dry hydrant were constructed.
6. The applicant indicated that due to the slow economy the work was not completed.
7. The proposed wetland impacts are in the same location as previously approved.
8. The applicant has indicated that all other previously approved wetland impacts are completed.
9. The applicant's agent provided DES with a copy of the Conservation Commission comments.
10. The Conservation Commission did not comment to DES.
11. The applicant's attorney responded to the Conservation Commission and provided DES with a copy of the response.
12. The applicant provided DES with a copy of the previously issued driveway permit from the NH Department of Transportation.
13. This permit is conditioned on approval by the New Hampshire Department of Transportation for the proposed driveway access work within their right-of-way/property.
14. This permit is conditioned on approval by the DES Alteration of Terrain Bureau.
15. This permit is conditioned the owner obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
16. The department did not receive any other comments regarding the proposed project.

2012-00377

DAVIS 2000 REVOC TRUST

NEWBURY Unnamed Wetland

Requested Action:

Dredge and fill 1,397 square feet of palustrine forested wetlands and intermittent stream for access to a proposed 34-unit elderly housing facility.

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**APPROVE PERMIT:**

Dredge and fill 1,397 square feet of palustrine forested wetlands and intermittent stream for access to a proposed 34-unit elderly housing facility.

**With Conditions:**

1. All work shall be in accordance with plans by Eckman Engineering, LLC dated January 26, 2012, as received by the Department on February 21, 2012.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ah), Minimum Impact Tier 1 stream crossings and Env-Wt 303.04(f), less than 3,000 square feet of wetlands.
2. No comments of concern on the proposed project were received by DES.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**FORESTRY NOTIFICATION**

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2012-00690

LOCKWOOD, REBECCA

LISBON Unnamed Stream

COMPLETE NOTIFICATION:  
Lisbon Tax Map R46, Lot# 1

**2012-00736                      KINGSTON CONSERVATION COMM**  
**KINGSTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Kingston Tax MapR1, Lot# 5, 9, 10

**2012-00738                      ROBINSON, EVERETT**  
**NORTHWOOD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Northwood Tax Map 210, Lot# 8

**2012-00748                      NH DRED**  
**ALTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Alton Tax Map 11, Lot# 4

#### **EXPEDITED MINIMUM**

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**2012-00731                      PEASE DEVELOPMENT AUTHORITY, DIV OF PORTS & HARBOR**  
**PORTSMOUTH   Piscataqua River**

#### **Requested Action:**

Impact 9,609 square feet of developed upland tidal buffer zone over 3 locations to install stormwater treatment structures; impact 450 square feet of tidal wetland bank to install a replacement outfall structure at an existing industrial marine terminal facility.

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#### **APPROVE PERMIT:**

Impact 9,609 square feet of developed upland tidal buffer zone over 3 locations to install stormwater treatment structures; impact 450 square feet of tidal wetland bank to install a replacement outfall structure at an existing industrial marine terminal facility.

#### **With Conditions:**

1. All work shall be in accordance with plans by Appledore Marine Engineering Inc. dated 2/2012, as received by the NH Department of Environmental Services (DES) on 4/5/2012.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or 303.03, respectively; and per Env-Wt 303.04(x), maintenance or repair of a non-docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The proposed work is part of on-going stormwater treatment improvements at an existing industrial marine terminal operated by the State of NH.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. All work is confined to a highly developed area of the upland tidal buffer zone, or is within the rip rap bank immediately adjacent thereto. There is no work occurring in an undisturbed natural resource area.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported by the NH Natural Heritage Bureau as occurring within the project area.
5. The Portsmouth Conservation Commission signed the minimum impact expedited application.

**GOLD DREDGE**

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**2012-00621                      SAWYER, JOHN**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConComm

**2012-00757                      DUREAULT, BRIAN**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc bath ConCom

**2012-00765                      WAGNER, ARTHUR**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath Con Com

**2012-00777                      GERLARNEAU, TERRY**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**2012-00796                      BOYNTON, THOMAS**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**2012-00797                      EVANOSKI, PETER**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath   ConCom

**2012-00798                      EVANOSKI SR, PETER**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**2012-00812                      SHUMWAY, STEVEN**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

#### **LAKES-SEASONAL DOCK NOTIF**

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**2012-00747                      MERCIERI, CARL & ROSA**  
**WASHINGTON   Highland Lake**

COMPLETE NOTIFICATION:  
Installation of a seasonal docking structure

**2012-00800                      BELANGER, ROBERT/DONNA**  
**EAST WAKEFIELD   Belleau Lake**

COMPLETE NOTIFICATION:  
Installation of a seasonal docking structure



**2012-00801                      OBRIEN REVOC TRUST DATED 01/10/00 AS AMENDED, NORM  
NEW DURHAM   Merrymeeting Lake**

COMPLETE NOTIFICATION:  
Installation of a seasonal docking structure

**2012-00814                      SACRAMONE, ARTHUR  
BROOKFIELD   Kingswood Lake**

COMPLETE NOTIFICATION:  
Installtion of a seasonal docking structure

**ROADWAY MAINTENANCE NOTIF**

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**2012-00774                      MASON HWY DEPT, TOWN OF  
MASON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Replace a 12" culvert with a new 15" HDPE culvert and rebuild headwall in kind

**2012-00775                      MASON HWY DEPT, TOWN OF  
MASON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Replace a 12" culvert with a 15" HDPE in locations and rebuild headwalls in kind

**2012-00776                      MASON HWY DEPT, TOWN OF  
MASON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Replace a 12" culvert with a 15" HDPE and rebuild headwall in kind

**2012-00803                      NH DEPT OF TRANSPORTATION  
SUTTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Remove an existing 12"x 30' CMP and replace with a 15"x 40' smooth HDPE culvert

**2012-00804                      NH DEPT OF TRANSPORTATION  
SUTTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Clean inlet and outlet of an existing 24" culvert and rebuild headers

**2012-00805                      HANCOCK, TOWN OF**  
**HANCOCK   Unnamed Stream**

COMPLETE NOTIFICATION:

Replace an existing 12" culvert with one of the same size and extend the inlet by 5 feet

**PERMIT BY NOTIFICATION**

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**2012-00692                      PATIERNO, JAMES**  
**DEERING   Deering Reservoir**

Requested Action:

Repair existing retaining wall in kind and replenishment of an existing perched beach.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN application

PBN IS COMPLETE:

Repair existing retaining wall in kind and replenishment of an existing perched beach.

With Findings:

**2012-00719                      PINE HILL WALDORF SCHOOL**  
**WILTON   Unnamed Pond**

Requested Action:

Dredge and fill 100 square feet of an existing pond for the installation of a dry hydrant.

\*\*\*\*\*

PBN IS COMPLETE:

Dredge and fill 100 square feet of an existing pond for the installation of a dry hydrant.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 506.01(a)(6), dry hydrant installation that meets the criteria in Env-Wt 303.04(w).
2. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
3. No comments of concern on the proposed project were received by DES.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2012-00756                      COOKSON JR FAMILY TRUST, EUGENE/MARY**  
**MOULTONBOROUGH   Lake Winnepesaukee**

**Requested Action:**

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com signed PBN form

**PBN IS COMPLETE:**

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

**2012-00761                      BRACKETT REVOCABLE TRUST, SUSAN B.**  
**MOULTONBOROUGH   Lake Winnepesaukee**

**Requested Action:**

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com signed PBN form

**PBN IS COMPLETE:**

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

**2012-00792                      MEREDITH, TOWN OF**  
**MEREDITH   Lake Winnepesaukee**

**Requested Action:**

Repair of existing docking structures with no change in size, location or configuration.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com did not sign PBN form

PBN IS COMPLETE:  
Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2012-00794                      BABSON, AVERILL**  
**ALTON   Lake Winnepesaukee**

Requested Action:  
Replenishment of sand on an existing beach.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com signed PBN form

PBN IS COMPLETE:  
Replenishment of sand on an existing beach.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa) Replenishment of sand on an existing beach.

## CSPA PERMIT

\*\*\*\*\*

**2011-02976                      RHUDA, RICHARD**  
**WOODSTOCK   Moosilauke Brook**

Requested Action:  
Amendment Description: Applicant proposes to extend impervious area into the waterfront by 225 sq ft and a 127 sq patio in the woodland buffer.

Impact 10,240 sq ft for the purpose of constructing a new commercial structure, parking area and installing stormwater controls.  
\*\*\*\*\*

APPROVE AMENDMENT:  
AMENDMENT DESCRIPTION: Revised plans submitted April 2, 2012 to impact 10,592 sq ft for the purpose of constructing a new commercial structure, parking area with 225 sq ft within the waterfront buffer, and install stormwater controls.

With Conditions:

1. All work shall be in accordance with revised plans by Horizons Engineering Inc. dated March 1, 2012 and received by the Department of Environmental Services ("DES") on April 2, 2012
2. No more than 30.4% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals and completing the lot line adjustment.
4. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. No impacts shall occur to natural ground covers within the waterfront buffer.
7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.
16. Upon completion of the proposed project, the exiting septic system shall pose no threat to adjacent surface waters.

**2012-00325                      SANTAMARIA, JOSEPH**  
**BRISTOL   Newfound River**

**Requested Action:**

Impact 9,168 sq ft in order to raze existing stucture, construct a 32 ft x 64 ft six unit multi-family apartment building, expand existing parking area, and conduct grading for stormwater management.

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**APPROVE PERMIT:**

Impact 9,168 sq ft in order to raze existing stucture, construct a 32 ft x 64 ft six unit multi-family apartment building, expand existing parking area, and conduct grading for stormwater management.

**With Conditions:**

1. All work shall be in accordance with plans by Joseph J. Santamaria dated February 3, 2012 and received by the NH Department of Environmental Services (DES) on February 13, 2012.
2. No more than 28.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 2,422 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater. 7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2012-00628 ELIZE NOORDSIJ TRUST**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Impact 14,969 sq ft in order to raze existing nonconforming structure and rebuild further from the reference line, reconfigure driveway, construct a garage, and install a septic system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 14,969 sq ft in order to raze existing nonconforming structure and rebuild further from the reference line, reconfigure driveway, construct a garage, and install a septic system.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey & Engineering dated March 14, 2012 and received by the NH Department of Environmental Services (DES) on March 19, 2012.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 15.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 7,347 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2012-00629 THOMAS, DAVID**  
**SPOFFORD Spofford Lake**

Requested Action:

Impact 3,080 sq ft in order to replace an existing deck with concrete pavers, install an in ground pool, and install drainage basins for stormwater management.

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APPROVE PERMIT:

Impact 3,080 sq ft in order to replace an existing deck with concrete pavers, install an in ground pool, and install drainage basins for

stormwater management.

With Conditions:

1. All work shall be in accordance with plans by Brickstone Land Use Consultants, LLC dated March 5, 2012 and received by the NH Department of Environmental Services (DES) on March 19, 2012.
2. No more than 24% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 2,400 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2012-00631**                      **CAMPBELL, DAVID/MARCIA**  
**TUFTONBORO** Mirror Lake

Requested Action:

Impact 4,721 sq ft to construct an addition with associated walkways and install a subsurface disposal system.

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APPROVE PERMIT:

Impact 4,721 sq ft to construct an addition with associated walkways and install a subsurface disposal system.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated February 29, 2012 and received by the NH Department of Environmental Services (DES) on March 19, 2012.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 10.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 20,149 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2012-00632**                      **JASON, JANET**  
**WOLFEBORO** Wentworth Lake

Requested Action:

Impact 7,074 sq ft to raze part of an existing residence and add a foundation under the remaining section, add an larger addition, install a new subsurface disposal system, and modify the associated driveway and walkway.

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APPROVE PERMIT:

Impact 7,074 sq ft to raze part of an existing residence and add a foundation under the remaining section, add an larger addition, install a new subsurface disposal system, and modify the associated driveway and walkway.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey and Engineering dated February 27, 2012 and received by the NH Department of Environmental Services (DES) on March 19, 2012.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 28.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 2,171 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2012-00641                      ARTHUR W MCLEOD TRUST**  
**CENTER OSSIPEE   Ossipee Lake**

Requested Action:

Impact 2,350 sq ft in to construct a 30 ft x 26 ft garage and replace a 540 sq ft gravel driveway that is partially in the waterfront buffer with grass.

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APPROVE PERMIT:

Impact 2,350 sq ft in to construct a 30 ft x 26 ft garage and replace a 540 sq ft gravel driveway that is partially in the waterfront buffer with grass.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey & Engineering, Inc. dated March 16, 2012 and received by the NH Department of Environmental Services (DES) on March 20, 2012.
2. No more than 39.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with



applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2012-00655                      EUGENE ALBERT COOKSON JR FAMILY TRUST**  
**MOULTONBOROUGH   Lake Winnepesaukee**

**Requested Action:**

Impact 3,300 sq ft in order to construct a 74 linear feet retaining wall to level yard area, construct a patio and fire pit, and install stormwater management to control runoff and erosion.

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**APPROVE PERMIT:**

Impact 3,300 sq ft in order to construct a 74 linear feet retaining wall to level yard area, construct a patio and fire pit, and install stormwater management to control runoff and erosion.

**With Conditions:**

1. All work shall be in accordance with plans by David M. Dolan Associates dated March 15, 2012 and received by the NH Department of Environmental Services (DES) on March 21, 2012.
2. No more than 29.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**UTILITY NOTIFICATION**

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**2012-00763                      ST AUBIN, LAWRENCE**  
**CLAREMONT**

**COMPLETE NOTIFICATION:**

Access to a private property to conduct subsurface boring samples to be used in preparation of an upcoming sewer improvement project

**2012-00764                      UNITIL**  
**HAMPTON FALLS   Salt Marsh**

**COMPLETE NOTIFICATION:**

Replace a burnt wooden pole on the 3348 line damaged by fire

**2012-00815                      NEW ENGLAND POWER COMPANY, DBA NATIONAL GRID**  
**WINCHESTER   Unnamed Wetland**

**COMPLETE NOTIFICATION:**

Maintenance activities to include painting tower structures along the A1/B2 line

**2012-00816                      NEW ENGLAND POWER COMPANY, DBA NATIONAL GRID**  
**HINSDALE   Unnamed Wetland**

**COMPLETE NOTIFICATION:**

Maintenance activities to include painting tower structures on the A1/B2 line

**2012-00819                      NATIONAL GRID**  
**CONCORD   Unnamed Stream Unnamed Wetlands**

**COMPLETE NOTIFICATION:**

1. Equipment repair & maintenance of ROW.
2. Vegetative maintenance.

On tower structures #695-677 along A201 power lind.

Tower structure #703-684 along B202 power line.